

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63906 of 2021

Arising Out of PS. Case No.-78 Year-2021 Thana- RIGA District- Sitamarhi

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Suryakant Upadhyay Son of Bal Mukund Upadhyay Resident of Village-
Chandiha, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nishu Devi Wife of Suryakant Upadhyay Resident of Village- Chandiha,
P.S.- Riga, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 11-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks confirmation of bail in
connection with Riga P.S. Case No. 78 of 2021, lodged under
Sections 341, 342, 323, 324, 308, 498(A) & 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that
provisional bail has been granted to the petitioner vide order
dated 24.03.2022 and notices were issued to opposite party no.2
by registered post as well as ordinary process. Learned counsel

for the petitioner submits that at the time of hearing before Additional District and Sessions Judge-IX, Sitamarhi, mediation took place and in the said mediation the informant of the case denied to stay with the petitioner and want to keep her husband in judicial custody for two years, after that she will think about it, in that condition the mediation was failed.

Learned counsel for the petitioner submits that by this Court, registered and Talbana notice both sent. Registered cover returned unserved as well as the Talbana notice also returned with a report that there was lock on the house and witnesses not disclosed that where opposite party use to live.

Learned counsel for the petitioner further submits that petitioner's stand is consistent that he is ready to keep his wife with dignity and respect whenever she is ready to live with him.

Learned counsel for the State opposes the prayer for bail and submits that it is a case of Section 498(A) of Indian Penal Code.

In the present facts and circumstances of this case and the submissions made above, let the provisional bail granted to the petitioner is hereby **confirmed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial

Magistrate, Sitamarhi in connection with Riga P.S. Case No. 78
of 2021, subject to the conditions as laid down under Section
437(3) of Cr.P.C.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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